

Message

From: Wilder, Scott [Wilder.Scott@epa.gov]
Sent: 11/10/2015 10:06:05 PM
To: Chalfant, Mark [Chalfant.Mark@epa.gov]
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation
Attachments: ARCO_SPIDERdisk_cover_ltr_Sept2015.doc

Hi Mark,

Here's the cover letter we used for CFAC addressed to Adam Cohen and for your signature. Not sure what title you like to use, so check that before printing. I'll let Sue know to expect you on Thursday.

Thanks!

Scott Wilder
U.S. Environmental Protection Agency
CERCLA Technical Enforcement Program
1200 Sixth Avenue, Suite 900, MS-113
Seattle, WA 98101
206-553-6693

From: Chalfant, Mark
Sent: Tuesday, November 10, 2015 2:53 PM
To: Wilder, Scott
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

I'm happy to work w/ Sue to get it out on Thursday. Would you please give her a heads up? I can't seem to find the transmittal letter we used for CFAC? Do you have time to gin up one this afternoon? Something short and sweet referencing the confidentiality agreement.

From: Wilder, Scott
Sent: Tuesday, November 10, 2015 2:50 PM
To: Chalfant, Mark
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Ok. It's a duplicate of the disk we sent to CFAC, so I'm confident all the CBI pages are marked. Do you want to work with Sue to get it out Thursday? Otherwise, I'll be back on Monday and can do it then.

Scott Wilder
U.S. Environmental Protection Agency
CERCLA Technical Enforcement Program
1200 Sixth Avenue, Suite 900, MS-113
Seattle, WA 98101
206-553-6693

From: Chalfant, Mark
Sent: Tuesday, November 10, 2015 2:48 PM
To: Wilder, Scott
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Scott,

Do we need to double-check it for to confirm that the CBI materials are marked by page? Do we need to generate a quick-and-dirty transmittal letter? I think it's fine if it goes out on Thursday.

Mark

From: Wilder, Scott

Sent: Tuesday, November 10, 2015 2:46 PM

To: Chalfant, Mark

Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Hi Mark,

Sue has the disk I'll see if she can get it out this afternoon.

Scott Wilder

U.S. Environmental Protection Agency

CERCLA Technical Enforcement Program

1200 Sixth Avenue, Suite 900, MS-113

Seattle, WA 98101

206-553-6693

From: Chalfant, Mark

Sent: Tuesday, November 10, 2015 2:45 PM

To: Wilder, Scott

Subject: FW: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Hi Scott,

What do we need to do to get cost documentation sent to Mr. Cohen , outside counsel for ARCO? I would like to get that done as soon as possible. Monday might be our first opportunity when you return to the office.

Mark

From: Chalfant, Mark

Sent: Tuesday, November 10, 2015 2:33 PM

To: 'Cohen, Adam'

Cc: 'Block, Nathan'; Wilder, Scott

Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Adam:

Attached please find an executed copy of the confidentiality agreement. Your understanding of the agreement stated in the email below comports with my understanding. We will ship the cost documentation to you shortly.

Mark

From: Cohen, Adam [<mailto:Adam.Cohen@dgslaw.com>]

Sent: Tuesday, November 03, 2015 10:00 AM

To: Chalfant, Mark

Cc: Cohen, Adam; 'Block, Nathan'

Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mark – I'm returning the Confidentiality Agreement signed by Atlantic Richfield. I interpret Paragraphs 5 and 5.a to say that Atlantic Richfield and its counsel can receive and review confidential information under the agreement without

signing Annex 2, whereas disclosure of documents to other employees of Atlantic Richfield and non-lawyer employees of Atlantic Richfield's counsel is subject to having such recipients sign Annex 2. In other words, it does not appear that either Atlantic Richfield's in-house counsel (Nathan Block) or I need to execute Annex 2 in order to have access to the confidential information that EPA will be providing. If you disagree with this interpretation, please call me to discuss. Otherwise, please return a fully signed copy of the Agreement to me for my files.

ADAM S. COHEN

P: 303.892.7321 • C: 720.936.3017 • P: 303.892.9400 • [vcard](#)

Davis Graham & Stubbs LLP

1550 17th Street, Suite 500 • Denver, CO 80202

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From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]
Sent: Friday, October 30, 2015 11:36 AM
To: Cohen, Adam
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Adam:

I hope you enjoyed your time off. Thank you for getting back to me on the proposed confidentiality agreement. EPA has accepted your requested changes. Attached please find a final version for review and signature. Please return a signed copy by email at your earliest opportunity.

Thank you.

Mark

From: Cohen, Adam [<mailto:Adam.Cohen@dgsllaw.com>]
Sent: Thursday, October 22, 2015 5:57 PM
To: Chalfant, Mark
Cc: Cohen, Adam
Subject: RE: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mark – I am back in the office, and I've now had a chance to review the proposed confidentiality agreement. I would like to propose three minor changes, as indicated in the attached redline:

1. Change all references from "ARCO" to "Atlantic Richfield." Atlantic Richfield Company and the retail gasoline company ARCO are actually different entities. As a result, Atlantic Richfield does its best not to use the ARCO acronym in its documents.
2. Add a sentence to Paragraph 3 stating that Atlantic Richfield can request that EPA make a confidentiality determination as to particular documents that have been produced. This is consistent with other CBI agreements we have entered into with EPA.
3. Add a clarification to Paragraph 4 that produced documents not marked as CBI are not subject to the requirements of the agreement. Again, this is consistent with other EPA CBI agreements, and it is intended to avoid future confusion.

If these changes are acceptable, please finalize the agreement for signature.

ADAM S. COHEN

Davis Graham & Stubbs LLP

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From: Chalfant, Mark [<mailto:Chalfant.Mark@epa.gov>]

Sent: Monday, October 05, 2015 12:43 PM

To: Cohen, Adam

Subject: Anaconda-Columbia Falls/Request for Back-up Cost Documentation

Mr. Cohen:

EPA has pulled the back-up cost documentation which your client, Atlantic Richfield Company, requested in connection with EPA's June 9, 2015 general notice letter and demand for payment of response costs in connection with the Anaconda Co Columbia Falls Reduction Plant Superfund Site in Flathead County, Montana. Attached please find a proposed confidentiality agreement which covers EPA contractor proprietary information. Please sign and return the agreement at your earliest opportunity. EPA will send you the cost documentation once we have received the executed agreement.

Thank you.

Mark

Mark A.R. Chalfant

Attorney

Legal Enforcement Program

Office of Enforcement, Compliance and Environmental Justice | U.S. EPA Region 8

303.312.6177 | chalfant.mark@epa.gov

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